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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,024	08/04/2003	Winthrop D. Childers	10971935-17	5804

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HEWLETT-PACKARD COMPANY
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EXAMINER

VO, ANH T N

ART UNIT	PAPER NUMBER
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2861

DATE MAILED: 08/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/634,024

Applicant(s)

CHILDERS ET AL.

Examiner

Anh T.N. Vo

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2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 39-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/08/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

NON-FINAL REJECTION

Double patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 39-67 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 10-13, 15-, 19, 22-24 and 29-30 of US Pat. number 6,322,205 and claims 1-2, 8, 13 and 18-20 of US Pat. 6,619,789. Although the conflicting claims are not identical, they are not patentably distinct from each other because they claim an adaptive ink supply for a printing system comprising:

- an ink reservoir;
- a fluid outlet;
- a connector;

- a flexible cable;
- an ink inlet and flexible fluid conduit;
- a source of signals; and
- a controller;

This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 112

Claim 39-67 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Correction clarification is required.

In claim 39, the recitation “memory device” on line 3 is confusing because it is unclear if this is additional “memory device” or further recitation of the previously claimed “memory device” and “emulator” on line 1. It is unclear how the recitation “emulator”, “signal source” and “memory device” is read on the preferred embodiment. Insofar as understood, no such device, source and emulator is seen on the drawing.

In claim 40, it is not understood how the ink container can contain replacement ink, where the replacement ink comes from, if the recitation “information” on line 2 is additional “information” or further recitation “information” on lines 2 and 5 of claim 39.

In claim 42, it is unclear where the “ink reservoir” comes from and how the signal source can recognize the ink reservoir since it does not have structural relationship with the ink reservoir.

In claim 43, it is unclear where the “information about replacement ink supply” online 5 comes from.

In claim 44, the recitation “the information storage device” on line 1 lacks clear antecedent basis. It is unclear what the storage device is and where it comes from. The same is true for claims 45, 46 and 51.

In claim 45, the recitation “the volume” on line 3 lacks clear antecedent basis.

In claim 52, it is unclear how the source of signals can be “configured” to be coupled to the printing system.

In claim 53, it is unclear how apparatus can “enable” the coupling, how the source of signals can be “located” and how this limitation is read on the preferred embodiment or seen on the drawings.

In claim 57, it is unclear how the new ink supply can be “provided” and how the source can recognize the new ink supply since they do not have structural relationship. The same is true for claim 65.

In claim 67, the recitation “ink reservoir” on line 2 is confusing because it is unclear if this is additional “ink reservoir” or further recitation of the previously claimed “ink reservoir” in claim 62. Also, it is not understood how the multiple couplings can be “performed” on line 1 and how the signal source can be “installed”.

The remaining claims are depending upon the above claims and therefore also considered indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 39, 43, 52, 59 and 62 are rejected under 35 USC (b) as being anticipated by Hillman et al (US 5,365,312).

Hillmann et al discloses in Figures 1-2 a printing device comprising:

- a controller (16);
- a signal source or a memory (14) attached to a replacement ink container (11, 12);
- an inherent flexible bus cable (15) for connecting the signal source (14) to the controller (16);

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- wherein the interface (T-ASIC) includes an inherent connector for providing a connection for the bus cable (15) between the controller and the signal source (14); and
- wherein the information contain in the memory (14) which has a write portion (strip 17) which is updated by controller (column 6, lines 15-32).

Claims 39-67 are rejected under 35 USC 102 (e) as being anticipated by Bullock et al (US 5,812,156).

Bullock et al discloses in Figures 1A-5 a printing device comprising:

- a controller (35);
- a signal source or a memory (18) separate from an ink reservoir (26). It noted that the memory (18) is a chip which is attached to the case of the ink reservoir so it is separated from the ink reservoir (26);
- an inherent flexible bus cable for connecting the signal source (18) to the controller (35);
- wherein the controller should include an inherent connector for providing a connection of the inherent bus cable between the controller (35) and the signal source (16)
- wherein the information contain in the memory (18) including an information interpreted as an ink volume, see column 4, and having a write portion which is updated by controller (35), see lines 1-10, column 6; and
- wherein an inherent fluid outlet (50) in communication with an ink inlet (44) of the ink container (26) .


CONCLUSION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Anh Vo. whose telephone number is (571) 272-2262. The examiner can normally be reached on Tuesday to Friday from 9:00 A.M.to 7:00 P.M.

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The fax number of this Group 2861 is (571) 273-8300.



ANH T.N. VO
PRIMARY EXAMINER
August 13, 2005